

## Portrait of a Juror: A Selected Bibliography

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### Repository Citation

Carole L. Hinchcliff, *Portrait of a Juror: A Selected Bibliography*, 69 Marq. L. Rev. 495 (1986).  
Available at: <http://scholarship.law.marquette.edu/mulr/vol69/iss4/3>

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# PORTRAIT OF A JUROR: A SELECTED BIBLIOGRAPHY

CAROLE L. HINCHCLIFF\*

## American Jurors' Impressions of Jury Duty

- I. Personal Narratives: Lawyers, Judges and Law Students
- II. Journalists' Reports of Judges' and Lawyers' Experiences as Jurors
- III. Personal Narratives: Non-Lawyers
- IV. Journalists Reports of Laypersons' Experiences as Jurors

## AMERICAN JURORS' IMPRESSIONS OF JURY DUTY

Millions of American citizens have served as jurors. For most, their jury experience is the most intimate they will have with the court system and being a juror is an opportunity for first-hand participation in governmental decision making. For a few, namely lawyers and judges, jury service provides an opportunity to view court procedures from a fresh vantage point.

Jurors apparently share one common characteristic: they like to relate their experience. Those who have done so in writing have provided us not only with entertaining reading but also with valuable insights into the jury system in this country, as they offer lawyers advice, evaluate the system, and suggest improvements.

This bibliography grew out of material collected by Diana Balio for *A View from the Other Side of the Bench* by Justice Shirley S. Abrahamson. It is a selection of short articles, rather than book length accounts, by grand and petit jurors, by prospective jurors who waited but did not serve, and by journalists who reported on jurors' experiences. The range of periodicals which published these accounts turned out to be

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surprisingly wide, including legal periodicals, scholarly journals, popular magazines, and newspapers spanning this century.

The personal accounts range from the lighthearted to the serious. Over the years some things about jury service never seem to change. Recurrent themes in the accounts are the tedium of waiting to be called for selection, the *voir dire*, whether women jurors behave differently from their male counterparts, and the jury decision-making process. For the most part, but with some notable exceptions, jurors express faith in the jury system. They have seen the system work despite its shortcomings.

Currently many scholars are investigating the operation of the jury. Judges and scholars are working to improve the system. "Scientific" examination of the jury does not lessen the importance and interest in anecdotal accounts of jury experience. I hope that this bibliography assists readers interested in exploring jury service from the jurors' perspective.

#### I. PERSONAL NARRATIVES: LAWYERS, JUDGES, AND LAW STUDENTS

Shirley S. Abrahamson, *A View from the Other Side of the Bench*, 69 MARQ. L. REV. 463 (1986); *Justice and Juror*, 20 GA. L. REV. 257 (1986) (Wisconsin Supreme Court justice reports impressions of jury service in the context of her experiences as a judge).

Richard B. Amande, *From Voir Dire to Verdict Through a Juror's Eyes*, 9 PRAC. LAW. 21 (Oct. 1963) (lawyer advises colleagues on the basis of the cases in which he was a juror and extensive interviews with a dozen ex-jurors).

Thomas Bowers, *Lawyer as Juror Cannot Help Taking Advantage*, Letter to the Editor, 6 Legal Times, Oct. 17, 1983, at 9, col. 1 (lawyer's experience as juror convinces him that lawyers should not be jurors).

James Duke Cameron, *A Judge in the Jury Box*, Letter to the Editor, 64 JUDICATURE 386 (1981) (justice of Arizona Supreme Court describes his juror experiences).

Collins T. Fitzpatrick, *A Lawyer's Impression of Jury Duty, Or Who Would Leave a Lawyer on a Jury?*, 71 ILL. B.J. 702 (1983) (Chief Executive for the Seventh Circuit serves on

jury duty in Judge Aspen's court and discusses pros and cons of allowing lawyers on juries).

Vic Fleming, *An Insider's Look at Jury Duty*, 19 ARK. LAW. 117 (1985) (lawyer describes his experience as foreperson in a case submitted without instructions).

Roland M. Frye, Jr., *A Lawyer's Reflections on His Jury Duty*, 8 DISTRICT LAW. July-Aug. 1984, at 25 (District of Columbia lawyer-juror offers suggestions for improvements).

Paul J. Garrotto, *Jury Service—A Citizen's Duty*, 13 NEB. S.B.J. 111 (Oct. 1964) (judge describes jury service as lawyer and concludes there is no substitute for a jury-trial).

David Hittner, *A Judge's View of Jury Service: A Personal Perspective*, 47 TEX. B.J. 227 (1984) (judge-juror gives the juror orientation lecture before serving as panel member).

Jack Kaplan, *In Praise of Juries: A Personal Experience*, 51 N.Y. ST. B.J. 384 (1979) (New York lawyer who served as an assistant U.S. Attorney relates his two juror experiences as a law student).

Dwan V. Kerig, *Perceptions from a Jury Box*, 54 CAL. ST. B.J. 306 (1979) (law professor serves on San Diego jury).

Ivor Kraft, *Happy New Year—You're a Juror*, 28 CRIME & DELINQ. 582 (1982) (law-trained professor of social work reflects on juror experiences in two criminal trials).

H.W. Powell, *A Lawyer on the Jury*, 24 CASE & COM. 740 (1918) (Seattle lawyer says the most important lesson learned was to make things entirely clear to the jury).

Carl B. Rubin, *The Opportunity to ". . . Well and Truly Try and Due Deliverance Make. . ."*, CIN. B.A. REP., Sept. 1985, at 1 (judge-juror confirms his belief that jurors are not stupid).

Arthur Sherman, *Eliminating Juror Confusion*, 21 CT. REV. 15 (Winter 1984) (judge offers suggestions based on experience as juror and questionnaires to jurors).

Thomas E. Silfen, *Trial Attorney as Juror: Through the Looking Glass*, Legal Times, July 11, 1983, at A6 (D.C. attorney finds jurors' human instincts override complex evidence; advises lawyers to serve. "The experience will scare you forever").

Samuel R. Stern, *Men Not So Good and Not So True*, 13 UNPARTIZAN REV. 287 (1920) (lawyer-juror concludes the jury system is "ossified, useless, cumbersome, expensive, ineffective, and dilatory").

Clarence K. Streit, *A Citizen's Duty: Serving on the Jury*, 44 A.B.A. J. 950 (1958) (enthusiastic lawyer-juror thinks every citizen should serve on a jury; lawyers' training should include jury service).

Anon., *Impressions of a Not-So-Average Juror*, 7 AM. J. TRIAL ADVOC. 141 (1983) (lawyer-juror finds the jury was conscientious and offers suggestions to improve the system).

Editorial, *The Worm Turns. A Rebuked Juror Answers the Rebuking Judge*, 7 VA. L. REG. (n.s.) 933 (1922) (law-trained jury foreperson explains how the judge's instructions were followed in reaching the "disgraceful" verdict).

## II. JOURNALISTS' REPORTS OF JUDGES' AND LAWYERS' EXPERIENCES AS JURORS

Myra Alperson, *Lawyers Serving on Juries Reach Different Conclusions*, Legal Times, Sept. 26, 1983, at 3 (three lawyer-jurors disagree on whether lawyers should serve on juries).

Chip Brown, *The Judicial Eye Gets a Different View from Jury Box*, Wash. Post, Oct. 24, 1980, Metro, at C1, col. 1 (circuit court judge is first trial judge to serve on a jury in Maryland).

Joe Hanneman & Anita Clark, *Justice on Jury Doesn't Speed Decision*, Wis. St. J., July 7, 1984, § 4, at 1, col. 1 (justice-juror Shirley S. Abrahamson serves on hung jury).

Matt Kramer, *His Own Judge and Jury*, NEWTON TAB., Oct. 28, 1981, at 6 (Judge Sherman learns judges should use less legal jargon when instructing jurors).

George B. Merry, *Jury-Picking in the 80's: Fewer Exemptions, Shorter Service the Trend*, Christian Sci. Monitor, March 27, 1981, at 11 (chief administrative judge of Maryland's Montgomery County, David L. Cahoon was "impressed with the conscientiousness of fellow jurors and their intense desire to be fair").

- As Ye Sow, So Shall Ye Reap*, 2 Nat'l L.J., June 29, 1981, at 39, col. 1 (California Governor Jerry Brown serves as jury foreperson).
- Jury Duty Summons a Familiar Face*, 3 Nat'l L.J., Oct. 20, 1980, at 35, col. 4 (former chief justice of California Supreme Court serves).
- Jury Service—U.S. Appellate Judge John Brown Offers His Services on Jury Panel*, 23 TEX. B.J. 54 (1960) (judge volunteers to serve to protest statutory exemptions, but did not serve).
- UPI Release, Oct. 23, 1985 (Judge Robert A. Benson of Kent County Circuit, Grand Rapids, Michigan, appreciates opportunity to serve as juror).
- Note, *The View from the Other Side of the Bench: Two Judges Serve As Jurors*, 67 A.B.A. J. 153 (1981) (Maryland judge and California chief justice serve).

### III. PERSONAL NARRATIVES: NON-LAWYERS

- Karen E. Addy, *Teen Juror*, 41 SEVENTEEN 167 (Feb. 1982) (nineteen-year-old helps decide murder case).
- Meredyth Albright, *Justice Through Juries*, Rhinelander Daily News (Wis.), Mar. 16 - Mar. 21, 1986 (six-part series includes managing editor's reactions to her jury service and the general operation of a jury trial).
- Frederick Irvin Anderson, *A Question from the Jury Box*, 205 SAT. EVENING POST 25 (Nov. 14, 1931) (veteran juror comments on the jury system).
- Eliot Asinof, *The Trials of a Juror*, N.Y. Times, Nov. 12, 1972, § VI (Magazine), at 40 (professional writer of courtroom dramas serves on a Manhattan jury).
- Pat Aufderheide, *The Trials of a Prospective Juror*, In These Times, May 12-18, 1982, at 16 (newspaper editor who was struck from jury panel relates *voir dire* questions and responses).
- Russell Baker, *My Day in Court*, N.Y. Times, Aug. 10, 1980, § VI (Magazine), at 12 (columnist and author welcomes summons for jury duty).
- Frederick Orin Bartlett, *Gentlemen of the Jury*, 198 SAT. EVENING POST 12 (Dec. 5, 1925) (initially reluctant juror finds service satisfying).

- Stewart Beach, *Jurors*, 179 ATL. MONTHLY 112 (Mar. 1947) (editor and author relates observations on jury selection and recommends jury service for lawyers).
- Hunter Beckelhymer, *Verdict*, 93 CHRISTIAN CENTURY 432 (May 1976) (minister finds serving on a criminal case "a profoundly positive experience").
- William Bender, *Beyond a Shadow of Doubt*, CHICAGO, Mar. 1975, at 112 (juror relates testimony and deliberations in a Chicago murder case).
- Ralph Bergengren, *Good Men and True*, 13 UNPARTIZAN REV. 273 (Mar. 1920) (juror believes the jury system is a necessary evil that seems to answer its purposes).
- Robert Bingham, *How to Make Lawyers Wish You'd Go Away*, 29 REPORTER 42 (Sept. 26, 1963) (reluctant juror advises how to act during *voir dire* to avoid selection).
- Arnold Birenbaum, *The Sociologist on Jury Duty*, 8 CRIMINOLOGY 195 (Aug. 1970) (juror-sociologist discusses his term of service and examines a variable of social control: extent of involvement).
- Kathryn A. Borys, Letter to the Editor, N.Y. Times, May 26, 1983, § 1, at 26, col. 5 (juror reads Arthur Ochs Sulzberger's letter of May 12 while serving; it provided "a moment of united commiseration" for the potential jurors).
- Linda Bridges, *Trial by Jury*, 32 NAT'L REV. 729 (1980) (reluctant juror learns to admire the system; emphasizes jury selection and deliberations).
- James P. Brown, *A Jurymen's View*, 2 GA. ST. B.J. 225 (1965) (juror views trial lawyers' performance as major influence in determining outcome).
- John P. Bruton, *A Jurymen Retaliates*, 80 FORUM 796 (1928) (juror challenges author of article classifying jurors as ignorant and obtuse).
- Louise Bullock, *Have You Done Your Jury Duty Yet?*, DELINEATOR, May 1922, at 2 (juror recounts deliberations in seamy 1922 case).
- Ruth Carey, Letter to the Editor, N.Y. Times, Apr. 3, 1973, at 42, col. 3 (reply to Thomas O'Flaherty's letter, "Our Abused Jurors"; jury service was "a fascinating and awesome experience").

- Bennett Cerf, *Trade Winds*, 29 SAT. REV. LIT. 38 (Mar. 23, 1946) (journalist-juror comments on grand jury service; learns of more amusing cases while lunching with an attorney).
- L.B. Chase, *The Trials of Jury Duty*, N.Y. Times, Aug. 8, 1982, § 11, at 26, col. 3 (juror gives first-hand account of a heady and sobering jury experience).
- G.K. Chesterton, *The Twelve Men*, in TREMENDOUS TRIFLES 54 (1968) (English essayist's frequently quoted essay on jury duty).
- Kirk Cheyfitz, *Judge Not, Lest Ye Be Confused by the Facts*, MONTHLY DETROIT, Aug. 1981, at 8 (rejected jurors decide the case in the jurors' assembly room).
- Henry I. Christ, *Twelve Good Men - and "Truth,"* 61 ENGLISH J. 1010 (1972) (juror describes deliberating jury in an auto accident case as a semantics laboratory).
- Joseph Horner Coates, *Some Difficulties of a Juror*, 47 SCRIBNER'S MAG. 85 (Jan. 1910) (an experienced juror suggests some topics for serious reflection).
- McAlister Coleman, *When I Served on the Jury*, 73 COLLIER'S 12 (Mar. 8, 1924) (juror gives light, irreverent account of experience).
- Mrs. Theodore Coleman, *Impressions of a Woman Juror*, 124 OUTLOOK 448 (Mar. 10, 1920) (former juror encourages women to serve; jury service provides "a liberal education in the machinery of justice and human nature").
- Michael J. Connelly, *Jury Duty: The Juror's View*, 55 JUDICATURE 118 (1971) (magazine editor reviews his experiences in Cook County personal injury suit).
- Caroline Bartlett Crane, *Jury Service in a Michigan City*, WOMAN CITIZEN, Nov. 1927, at 27 ("we . . . were green hands picked at random from the tax rolls — snatched from the grocery, the barber shop, the garage, the parlor and the kitchen — to be judges of 'plain facts' which nobody seemed disposed to make plain").
- Carol Croland, *Viewpoint*, 77 GLAMOUR 118 (May 1979) (journalist-juror welcomes the heterogenous company and new perspective on her own life).
- Lloyd M. Crosgrave, *A Juror's Experiences*, 21 ILL. L. REV. 530 (1927) (juror addresses the problem of "the widely known hesitancy of the 'better class' to serve as jurors").



- George S. Dalgety, *The New Jurymen Think Aloud*, 15 J. AM. JUDICATURE SOC'Y 56 (1931) (juror finds after two weeks he "is in a fair way to become bolshevik, and so disgusted and irritated that he wants to advocate the overthrow of everything that has the mark of a government agency").
- Charles Deemer, *The Jury - A Grave Experience*, 77 CASE & COM., Sept.-Oct. 1972, at 46 (self-described liberal/radical looks for flaws in the jury system and finds it is sound).
- Mary J. DeWeaver, *Trial by Jury—for the Jurors*, D.C. Gazette, June 1975, at 12 (juror denounces "the capricious treatment" of jurors in the D.C. Superior Court; of 22 days spent on jury duty she served seven and a half hours).
- Nancy Dubois, *Report from a Happy Juror*, Letter to the Editor, N.Y. Times, Dec. 6, 1980, § 1, at 22, col. 4 (satisfied juror disagrees with letter writer William Stricker, who found jury duty "deadly boredom and a waste of time").
- Richard M. Durand, William O. Bearden, A. William Gustafson & G. Edward Ashworth, Jr., *Individual Perceptions of Jury Service*, 38 ALA. LAW 395 (1977) (survey using questionnaires examines jurors' attitudes towards jury service before and after their experiences).
- Ellen W. Eager, *Jurors Also Serve, but Mostly They Sit and Wait*, Wash. Post, Sept. 19, 1985, District Weekly, at DC2 (former juror joined citizens' groups to improve court system; advocates one trial/one day jury service).
- Paul E. Ederheimer, *A Jury of Your Peers*, 78 AM. MERCURY 109, Apr. 1954 (juror prefers "a jury of my superiors" to "a jury of my peers"; believes system defeats the ends of justice).
- Irwin Edman, *And Gladly Serve*, 18 AM. SCHOLAR 488 (1949) (juror is awed by the issues and principles involved).
- Eric Egge, *Maturity an Asset for Jury Duty*, HARVEST YEARS, Jan. 1972, at 43 (juror tells how panel decides execution versus life sentence for man convicted of murder).
- Fred Ferretti, *Welcome to Jury Duty*, N.Y. Times, Feb. 15, 1976, § 11, at 1, col. 1 (juror passes the time watching TV, reading, and working a jigsaw puzzle before being excused).

- Margaret Frazier, *So You're Going to Be a Juror*, 29 INDEPENDENT WOMAN 162 (1950) (juror sets forth a practical guide of what to expect of courtroom procedures).
- Sherry Friedman, *A Verdict Grows in Brooklyn*, NEW YORK, Sept. 29, 1980, at 15 (writer emerges both frustrated and proud to have served on panel of bickering jurors in prolonged murder trial).
- A.I.G., *Confessions of a Juror*, 29 WIS. B. BULL., Aug. 1956, at 21 (juror suggests a 26-point program of instruction for improving quality of jurors' service).
- Joanne Duke Gamblee, *What It's Like to Serve on a Jury*, 8 BARRISTER 16 (Summer 1979) (despite panel of conscientious jurors, questions of "were we fair," and "what was the truth" still haunt juror).
- Dorothy Gilliam, *A Juror's Journal*, Wash. Post, Dec. 20, 1984, Metro, at C3 (first-time juror shares observations on an eye-opening experience).
- Arnold L. Goren, 21 *Ladies and Gentlemen of the Jury*, 28 J. EDUC. SOC'Y 325 (1955) (juror justifies the necessity of education of the public about jury duty, provision of information about the law to juries, and courses in jury psychology for law students).
- Vivian Gornick, *On the Jury*, 243 ATL. 68 (June 1979) (deliberations which end with psychological defeat and an element of racism).
- Dan Greenburg, *Twelve Tough Muthuhs*, 25 PLAYBOY, Dec. 1978, at 164 (writer's thorough account of hung jury's deliberations in case of attempted murder of Manhattan cab driver).
- Edith Greene, *A Jury Researcher Joins the Jury*, 92 CASE & COM., Jan.-Feb. 1986, at 28 (social scientist takes "the opportunity to step inside the system and look out"; she translates her insights into tips for lawyers on effective trial advocacy).
- Lee Haas, *Jury Duty - A Reprise From One Who Liked It*, N.Y. Times, Apr. 23, 1978, § 11, at 24, col. 1 (juror finds the change of scene and cross-section of people refreshing).
- Andrew Hacker, *"Who Killed Harry Gleason?"*, 234 ATL. 52 (Dec. 1974) reprinted in 2 LITIGATION 26 (Winter 1976)

- (professor of political science finds jury service in "a typical New York murder trial" fascinating and disquieting).
- Gladys Harrison, *"And Take Your Places in the Box"*, WOMAN CITIZEN, Oct. 1927, at 26 (juror criticizes optional jury law of the day for leading to disparagement of women).
- Rachael Hartley, *A Lady Juror Comments on Juries, Lawyers and Courts*, 14 CONN. B.J. 64 (1940) (juror gives impressions of lawyers' behavior and dress; regards jury service as a high calling).
- Mrs. Ben T. Head, *Confessions of a Juror*, 44 F.R.D. 330 (1967) (wife of lawyer describes jury experiences over several years to the annual judicial conference, tenth judicial circuit).
- Patrick Healy, *Memoirs of a Manhattan Juror: An Adventure in Apathy*, 62 A.B.A. J. 460 (1976) (juror finds panel members are apathetic; procedures are inefficient and meaningless, and the pace is glacial).
- Beau Hickman, *Home Town*, 18 WASHINGTONIAN 258 (1983) ("Two weeks is too long. . . . you get jury-goofy").
- Verna Hildebrand, *A Historical Note on Jury Service for Women*, 40 HUMANIST 38 (July-Aug. 1980) (a woman juror traces women's ineligibility to serve on juries).
- Edward Hoagland, *In the Toils of the Law*, 229 ATL. MONTHLY 53 (June 1972) (juror details of how jurors tackled several slice-of-life cases in Manhattan).
- Marian Inglewood, *Thoughts of a Jurywoman*, WOMAN'S J., Dec. 1929, at 24 (first-time juror advocates education for prospective jurors).
- Emily Jefferson, *Trials of a Jury*, N.Y. Times, Apr. 24, 1977, § 23, at 28, col. 3 (children's playwright concludes that jurors are treated like children or sheep; ignorance of courtroom procedures and the jurors' role causes frustration; nevertheless, jurors work hard to be fair).
- Alfred Kazin, *Memoirs of a Juror*, Village Voice, Apr. 14, 1975, at 5 (along with producer-director Elia Kazan, writer-professor Kazin serves on case of New York policeman).
- Edward Kennebeck, *From the Jury Box*, in R.J. Simon, THE JURY SYSTEM IN AMERICA 235 (1975) (editorial staff

member of Viking Press tells his experiences as a juror in a Black Panther trial).

Mrs. Leslie King, *Jury Duty Called an Impressive Lesson*, Letter to the Editor, N.Y. Times, Mar. 7, 1976, § 11, at 27, col. 4 (juror replies to Fred Ferretti's Feb. 15 article on jury service in Essex County; juror emphasizes the "positives" of jury duty; she felt treated like an appreciated guest of the county).

Lillian Klass, *From the Viewpoint of a Juror*, LAWYER, Feb. 1941, at 17 (juror offers fragments from testimony and deliberations).

Robert J. Klein, Q. 'Where Do You Most Dislike to Be?' A. 'On Jury Duty', N.Y. Times, Apr. 10, 1977, § 23, at 17, col. 1 (senior editor of *Money* magazine misses out three times on selection as jury panel member, settles for "bit parts in the drama of justice").

John Lardner, *Life in the Box*, pt. 1, NEW YORKER, Apr. 19, 1947, at 44, pt. 2, NEW YORKER, Apr. 26, 1947, at 58 (veteran of jury service tells of cases and characters from New York Municipal Court).

Barbara Lee, *Verdict for a Bathtub Killing: A Juror's Testimony*, HARPER'S WEEKLY, Aug. 22, 1975, at 10 (scientist-juror recounts the testimony and the deliberation process which resulted in a unanimous decision without coercion or intimidation).

Russell Lynes, *The People vs. Some Persons*, HARPER'S MAG., Apr. 1967, at 28 (grand juror tells how grand juries operate and finds this "extracurricular" activity operates to protect "The People" and "Some Persons in Misfortune").

John P. MacKenzie, Letter to the Editor, N.Y. Times, Feb. 1, 1985, § 1, at 28, col. 1 (juror is critical of lawyers, theatrics, and the drawn-out process of jury selection).

Dan McNulty, *Through the Eyes of a Juror*, 67 A.B.A. J. 1634 (1981) (NBC newswriter keeps a diary on jury service in a Chicago federal court).

John Macy, *Indiscretions of a Juror*, 17 CASE & COM. 607 (1911), reprinted in 23 GREEN BAG 171 (1911); 19 LAW TIMES 172 (1911); 131 LAW STUDENTS' HELPER 108 (1911); 11 CRIM. L. 630 (Nov. 1910); 13 LAW NOTES

221 (1910) (journalist finds "the juryman is a dispassionate spectator of the comedy in which he plays").

Julius A. Marolla, *I, the Juror*, Horicon Reporter (Wis.), Aug. 2 - Sept. 20, 1984 (newspaper reporter who served on a circuit court jury for more than six months records his observations in an eight-part series).

Kim Masters, *Jury's Rationality: Reasonable Doubt*, 7 Legal Times, Dec. 3, 1984, at 1, col. 3 (for the benefit of lawyers, staff writer for *Legal Times* reports on the deliberations of several juries on which she served).

Kim Masters, *Jurors Say the Darnedest Things, Reporter Finds*, Legal Times, Dec. 3, 1984, at 8, col. 1 (reporter-juror finds *voir dire* a "strangely egalitarian experience" which draws together people from all walks of life).

Roger B. May, *Is This TV Show Guilty or Innocent?*, Wall St. J., Jan. 31, 1985, at 28, col. 3 (news editor spends "what was supposed to be a week of weighty decisions"; as a juror the only decision he made was where to go for lunch; as a participant in the Nielson TV ratings survey he'll wait until next season to see if his decisions counted).

Dennis Lee Milford, *Another Juror's Day*, Gay Community News, Mar. 11, 1978, at 4 (juror disagrees with Mitzel's strongly stated negative picture of the jury system).

Mitzel, *A Gay Juror's Day in Court*, Gay Community News, Feb. 25, 1978, at 10 (belligerent juror's experience of a rape case confirms his worst suspicions about the legal system ("If your idea of Hell is other people, then sitting in the jury pool for 30 days is The First Circle")).

Lee Nichols, *Jury Service*, 32 L.A.B.A. BULL. 343 (1957) (NBC commentator relates observations on the ills of the jury system).

Imogen B. Oakley, *Sentimental Juries*, 229 N. AM. REV. 286 (1930) (juror's earnest remarks about elements in the courtroom sound moralistic today).

Thomas O'Flaherty, Letter to the Editor, N.Y. Times, Mar. 23, 1973, at 36, col. 5 (juror characterizes pointless waiting as a "waste of human resources"; the experience gave him an insight into the treatment of prisoners).

Edmund Pearson, *The Juror Is Probably Right*, 93 SCRIBNER'S MAG. 115 (Feb. 1933) (experienced juror

- finds, "Juries are capable of acting intelligently when the criminal law does not forbid them to use their brains").
- Nicholas Pileggi, *Alice in Juryland*, NEW YORK, Mar. 26, 1984, at 47 (juror discovers seemingly petty cases involve much more important hidden factors).
- Henry F. Pringle, *We Serve on a Dry Jury*, 153 OUTLOOK & INDEPENDENT 605 (Dec. 18, 1929) (an editor describes his two weeks of jury service hearing prohibition cases in Brooklyn and reflects on the effectiveness of the Volstead Act).
- Braiden Rex-Johnson, *My Day in Court*, DALLAS, Feb. 1984, at 60 (juror praises one day/one trial program in Dallas).
- Martha Robson, *Deliberations of Juror No. 13*, 97 CHRISTIAN CENTURY 1090 (Nov. 12, 1980) (juror sees that injustice began long before the incident occurred when she reflects on the case of a New York police officer charged with assault).
- Helen Rocca, *Three Weeks' Jury Service*, WOMAN CITIZEN, Aug. 1927, at 25 (League of Women Voters secretary of political education advocates women's participation in jury service).
- Diana Rose, *Justice Is a Woman*, 157 OUTLOOK 154 (Jan. 28, 1931) (juror concludes that a mixed jury is preferable to an all-male or all-female jury).
- Joseph E. Ryan, *Does Justice Have Gender?*, 118 AMERICA 375 (Mar. 23, 1968) (juror investigates the differences between men's and women's responses to evidence and testimony).
- L.T.S., *Woman and the Law*, 3 TEX. B.J. 237 (1940) (woman appeals to lawyers to treat women jurors on the basis of their merits, not their gender).
- Paul Salsini, *The Jury System: Does It Work?*, Milw. J. Mag., Nov. 1, 1981, at 1 (editor is impressed with the operation of the system).
- Scott Sanders, *In the Thirteenth Chair*, 268 N. AM. REV. 47 (Mar. 1983) (alternate juror finds that Christmas, drugs, and Vietnam converge in a Bloomington, Indiana courtroom).
- Russell Scargle, *I Was on a Jury*, 28 COMMONWEAL 209 (June 17, 1938) (juror resolves to avoid jury duty if called again; service is a nuisance and the waiting is tedious).

- Deborah Schatz, *The Trials of a Juror*, 49 N.Y. ST. B.J. 198 (1977) (juror is reluctant at first, then disappointed to be excused after "a tremendous learning experience").
- Daniel Schorr, *A Newsman's Reflections on Jury Services*, LITIGATION, Winter 1976, at 24 (newsperson expands on his N.Y. Times article which evoked great interest).
- Daniel Schorr, *Thoughts on Serving in a Seat of Judgment*, N.Y. Times, Apr. 25, 1974, at 39, col. 1 (well-known television newsperson serves on four criminal cases; "despite judges' instructions to the contrary we engaged in a certain amount of 'jury revisionism' of the law").
- Richard Schott, *Trial by Jury: Reflections of a Juror*, TRIAL, May 1977, at 56 (the judge read travel brochures during this tax case, but the jury felt it rendered a worthwhile public service).
- Tryntje Van Ness Seymour, "They Don't Care About Us," 51 N.Y. ST. B.J. 380 (1979) (juror's verbatim notes reflect the attitudes of conscientious jurors in New York City; recommends shorter waiting periods and improvements in orientation and facilities for jurors).
- Michael P. Sheehan, *Jury Duty: Is It a Privilege?*, N.Y. Times, Aug. 7, 1977, § 11, at 24, col. 1 (juror highlights problems with New Jersey jury system; states jurors hearing testimony may be "acting as pawns in a game of litigational 'chicken'").
- Bruce Smith, *The Trial and Reward of Being on Jury Duty*, N.Y. Times, June 26, 1983, § 11, at 22, col. 3 (jury duty amounted to two weeks of waiting, but nevertheless the experience was fascinating).
- Shirley Smithberg, Letter to the Editor, N.Y. Times, Apr. 26, 1974, at 36, col. 3 (women who refuse jury duty "don't know what they are missing"; waiting periods were spent fruitfully and provided an opportunity to talk with people from all walks of life).
- Carol Spicer, *More Citizens Should Take Their Turns at Jury Duty*, 234 SAT. EVENING POST 10 (Feb. 25, 1961) (a two-month stint of service convinces juror that the system is good and more citizens should participate).
- Elton Sterrett, "I Solemnly Swear," 169 NATION 205 (Aug. 27, 1949) (juror curses the delays and time wasted; jurors cannot be blamed for trying to evade duty).

- Susan Strecker, *On Joining the 16 Percent*, EXECUTIVE FEMALE, Jan.-Feb. 1984, at 18 (apart from time wasted while waiting, jury duty was challenging and stimulating).
- William Stricker, Letter to the Editor, N.Y. Times, Nov. 27, 1980, at 26, col. 4 (juror criticizes time-wasting inefficiency of *voir dire*; suggests jurors should complete questionnaires of routine questions asked by the judge and attorneys; a computer could then assign jurors to the appropriate court).
- Robert L. Studley, *A Layman's Suggestions about Jury Duty*, 6 MASS. L.Q. 111 (1921), reprinted in 8 MASS. L.Q. 33 (1923) (six weeks of jury duty convinces businessman that a more efficient and economical system is possible).
- Arthur Ochs Sulzberger, *The Editorial Notebook: A Juror's Duty*, N.Y. Times, May 12, 1983, § A, at 22, col. 1 (editor-juror questions how the judicial system can be so inefficient; a wasteful system must be changed).
- Joseph P. Tanney, *Reflections of a Juror*, 14 A.B.A. J. 337 (1928) (juror describes some cases tried and how the jury dealt with them).
- Calvin Trillin, *Letter From Mott Street*, NEW YORKER, Feb. 24, 1986, at 72 (jurors serve "hard time" waiting but time passes quickly when one is preoccupied with deciding between dim sum joints for lunch and the delicacies they offer. Juror is delighted to learn of new lunch places from Chinese panel members).
- Tom Walker, *Smile, You're on Jury Duty*, SAN ANTONIO MAG., Sept. 1978, at 60 (at first fearing headline "Prospective Juror Dies of Boredom," writer becomes involved in emotional dispute over custody in Texas).
- Anne Winslow, *Observations on a Grand Jury*, RIGHTS, Oct.-Nov. 1980, at 5 (grand juror found four-week experience "profoundly disturbing," and resented "being a party to the branding of unfortunate individuals on totally inadequate evidence").
- Barbara Wolfson, *They Also Serve Who Only Wait . . . and Wait*, N.Y. Times, Mar. 27, 1977, § 21, at 31, col. 1 (prospective juror anticipates a new experience; she spends an uneventful week waiting).



Electra Yourke, *The Making of a Verdict: A Woman Juror's Story*, REDBOOK, Oct. 1968, at 84 (young mother kept day-by-day journal during a criminal trial).

William Zinsser, *In the Universal Waiting Room*, LIFE, May 3, 1968, at 18B (jury duty offers an opportunity to read *War and Peace*).

Anon., *Everything You Wanted to Know About Jury Duty*, NEW ORLEANS, Dec. 1975, at 12 (journalist describes jury selection and feelings of relief when excused from a case that sounded uninteresting; finally serves three days and is fascinated by the personalities of the people involved in the trial).

Anon., *Justice, The Lady—Uh—Woman with the Bandaged Eyes*, 47 CONN. B.J. 241 (1973) (juror's humorous observations on several cases).

Anon., *Just How Stupid Are Juries?*, HARPER'S MAG., Dec. 1938, at 84 (on the basis of experiences over twenty years, the writer-juror believes attorneys underestimate the intelligence of jurors who arrive at their verdicts after careful deliberation and consideration of the evidence alone).

Anon., *As the Juryman Sees the Lawyer*, 10 VA. L. REG. (n.s.) 474 (Nov. 1924) (author suggests changes in courtroom procedure to overcome "being bored almost to a state of nervous prostration").

Anon., *The Current Controversies About Juries*, 8 MASS. L. Q. 31 (1923) (includes three letters on jury service).

Anon., *How a "Mixed Jury" Passed an All-Night Session*, 76 LITERARY DIG., Mar. 17, 1923, at 50 (juror tells how ballots, hymn singing and crap shooting with sugar cubes helped pass the time).

Anon., *Eleven Men and One Woman: An Account of an Experience on a Jury by the Woman*, 127 OUTLOOK 508 (1921) (a melodrama in which a young wife sues her in-laws for alienation of affection).

Anon., *Extracts From the Diary of a Juror*, 123 OUTLOOK 571 (1919) (juror describes his week on a jury and concludes that despite the tedium, jury service is a worthwhile learning experience for Americans).

Anon., *Impressions of a Juryman*, 2 DOCKET 1106, 1128 (1914) (juror describes six weeks of "hard work, calling

for the exercise of physical endurance and mental discipline").

Comment, *May I Be Excused?*, HONOLULU, Jan. 1977, at 44 (initially reluctant juror learns responsible citizens should spare the time to serve).

Notes and Comment, "*The Talk of the Town*," NEW YORKER, Nov. 21, 1964, at 47 (the judge's rhetoric and the jury's spirit made this juror's experience exhilarating).

The Insider, *Our Day in Court*, 4 HOUSTON CITY MAG., July 1980, at 6 ("'Good morning Ladies and Gentlemen and welcome to the Harris County Criminal Court.' It was like the Johnny Carson show at eight in the morning").

*The Spectator*, 101 OUTLOOK 647 (1912) (the writer hates jury duty because of the "wasted time, wounded dignity, physical discomfort, and general vexation").

#### IV. JOURNALISTS' REPORTS OF LAYPERSONS' EXPERIENCE AS JURORS

Paul Anderson, *Twelve Good Men and True*, NATION, Jan. 5, 1927, at 11 (the jury in the Teapot Dome scandal).

Ralph Blumenfeld, *Harlem Four: The Minds of a Jury*, 214 NATION 262 (Feb. 28, 1972) (the futility of trying to "read" the jury).

Steven Brill, *Inside the DeLorean Jury Room*, Am. Law., Dec. 1984, at 1, col. 1 (interviews with 11 of 12 jurors and 3 of 4 alternates produce in-depth story of their deliberations).

Steven Brill, *Inside the Jury Room at the Washington Post Libel Trial*, Am. Law., Nov. 1982, at 1, col. 1 (a full account of jurors' deliberations in Mobil Oil president's libel case against the *Washington Post*).

Janet Cooke, *Parole Chief Knows Crime at Close Range*, Wash. Post, May 15, 1980, District Weekly, DC1, at col. 1 (interview with juror who is head of D.C. Parole Board).

Barry Farrell, *The Manson Jury*, LIFE, Apr. 16, 1971, at 44 (the ordeal of the jury that was sequestered for a record-breaking nine and a half months).

James Feron, *Reporter's Notebook: Brink's Attention Shifts to Brown from Boudin*, N.Y. Times, Apr. 8, 1975, § 11WC,

at 1, col. 1 (jury selection enters its ninth week in Brink's robbery and murder case).

Mark Fitzgerald, *Reporter Serves as Juror on Case She Reported*, EDITOR & PUBLISHER, Mar. 9, 1985, at 12 (juror is well acquainted with the facts and faces in an Indiana bribery trial; sees need for "a juror's bill of rights").

Martin Fox, *Newsmen See Test in Shifting from Reporter to Juror Role*, N.Y.L. J., Sept. 25, 1984, at 3, col. 1 (trained to be neutral observers, reporters find passing judgment as jurors is difficult).

Otto Friedrich, *We, the Jury, Find the ...*, TIME, Sept. 28, 1981, at 44 (cover story discussing various aspects of the jury system).

Michael Goodwin, *For One Jury, the Trial Is in the Waiting*, N.Y. Times, Nov. 6, 1979, § 11, at 1, col. 1 (diary notes of a juror; after the frustration of numerous delays the case finally settles out of court).

Kathy Gurchiek, *Editor Serves as Grand Jury Foreman*, EDITOR & PUBLISHER, May 25, 1985, at 14 (editor of Indiana newspaper first oversaw coverage of murder story, then headed grand jury in the case).

Marvin R. Halbert, *The Verdict on Jury Duty: A Juror's Viewpoint*, PA. L.J. REP., May 20, 1985, at 10 (columnist-juror is interviewed about courtroom procedure).

Marvin R. Halbert, *Columnist, Juror Clark DeLeon's Day(s) in Court*, PA.L.J. REP., July 12, 1982, at 11, col. 1 (question-answer interview with juror in murder trial who believes newsmen make good jurors).

Address by B.M. McKelway, *Layman's View of Jury Service*, 5 F.R.D. 207 (1945) (associate editor of *The Washington Star* reviews the jury system and the reactions of ex-jurors; address delivered at the seventh annual judicial conference of the District of Columbia).

Eugene L. Meyer, *Perjury Charges on Mandel Witnesses Studied*, Wash. Post, Aug. 26, Metro at C1, col. 1 (jurors in trial of Maryland governor suffer nightmares and illness, miss their cars and families, learn to knit and pray).

Ronald Smothers, *4 Murder Trial Jurors Unhappy with Verdict*, N.Y. Times, Aug. 14, 1982, § 1, at 1, col. 3 (breakdown of discipline and conflicts of personalities lead to chaos in the jury room).

- Anne Taibleson, *A Farmer Juror Does His Duty*, 8 Nat'l L.J., Jan. 27, 1986, at 51 (frustrating jury experience prompts professor of education-juror to write "How to Avoid Jury Duty." On dressing for a successful jury-duty rejection: "A Hawaiian shirt and a fatigue jacket, preferably worn at the same time, should alienate even the most savvy attorney." Book includes a "jury-lounge survival kit with games, puzzles and cartoons").
- Davis Thomas, *From the Inside: Why Finch Jury Disagreed*, LIFE, Mar. 28, 1960, at 76 (one factor that attributed to bitter dissension among jurors was racial prejudice against the two holdouts).
- Wallace Turner, *Jurors on Coast Criticize System*, N.Y. Times, Feb. 27, 1972, at 95, col. 5 (California jurors criticize grand jury system; one sues over removal from grand jury committees).
- Carol A.B. Warren, *Deliberation in Six Juries: A Participant Observer Study*, 3 SYMBOLIC INTERACTION 157 (1980) (two jurors with sociology backgrounds acted incognito as participant observers for a jury study).
- Martin Weil, *Treadwell Jury Lays Delay to Complex Case*, Wash. Post, July 30, 1983, § 1, A10 (sifting the evidence in fraud and conspiracy trial requires 17 days of deliberation).
- Note, *Day in Court*, 19 TEX. B.J. 338 (1956) (woman juror claims some features of the system need to be corrected: "You men had the jury system a long, long time and it would take the women to clean it up").
- Bess Myerson *a Distraction as a Prospective Juror*, N.Y. Times, Dec. 5, 1979, § 11, at 8, col. 4 (popular figure Bess Myerson turns up for jury duty; she was sought out for autographs, told about consumer complaints, and received a standing ovation in one courtroom).
- Eight Months to a Verdict*, TIME, Sept. 28, 1981, at 54 (12 jurors and 6 alternates face hardship in the drawn-out trial of the "Pontiac Ten").
- Getting Mixed Up with the Law*, HARPER'S WEEKLY, Dec. 1, 1975, at 15 (four juror's accounts included in readers' letters concerning their courtroom experiences).
- Inside the Baker Case: The Jurors' Story*, U.S. NEWS & WORLD REP., Feb. 13, 1967, at 39 (jurors' reactions to

testimony of government figure in case involving "campaign contributions").

*Life Among the Manson Jurors*, TIME, Apr. 12, 1971, at 42 (jurors' personal lives suffer during prolonged sequestration).

*The Family That Deliberates Together*, Nat'l L.J., Mar. 30, 1981, at 39, col. 1 (husband and wife serve on same jury).

*The Twelfth Man Hangs a Jury*, TIME, Feb. 19, 1979, at 97 (despite overwhelming evidence, juror with "confidential sources" votes for acquittal in congressional bribery case).

*They Also Serve*, NEW YORKER, Mar. 10, 1945, at 18 (extortion case calls for blue ribbon jury).